

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

KENNETH WAYNE CHESTER #43152

PETITIONER

VS.

CIVIL ACTION NO. 3:10CV121TSL-FKB

CHRISTOPHER EPPS

RESPONDENT

ORDER

This cause is before the court on petitioner's objection to the magistrate judge's report and recommendation of September 13, 2010. The court, having reviewed the report and recommendation and objection thereto, finds the report and recommendation should be adopted as the finding of the court, as the undersigned agrees that petitioner has failed to show how his not having in his possession a copy of the transcript of the suppression hearing prevented him from timely filing his application in this court. Accordingly, the court hereby adopts, as its own opinion, the magistrate judge's report and recommendation.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate Judge F. Keith Ball entered on or about September 13, 2010, be, and the same is hereby, adopted as the finding of this court.

SO ORDERED this 5th day of October, 2010.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE

